

**Springerville Town Council
Minutes
November 5, 2003**

Present: Mayor Kay Dyson, Vice-Mayor Mary Nedrow, Ramon Castillo and Scott Cray

Staff: Kurt Hassler Town Manager, Val Cordova Town Clerk, Sterling Solomon Town Attorney, Ed Shields Finance Director

Public: Jeff Barbe, Mark Baca, Jane Anderson, Larisa Bogardus and Dave Pulsifer

1. Call to Order

Mayor Dyson called the meeting to order at 6:03 p.m.

2. Pledge of Allegiance and Invocation

The Pledge of Allegiance was led by Councilman Cray, followed by a moment of silence

3. Public Participation

None

4. Manager, and Council Reports

Council Reports

Vice-Mayor Nedrow reported there will be an ambulance meeting on December 17th.

Mayor Dyson reported there will be a Health Care District meeting at the senior center on November 13th at 4:30pm regarding the aggressive progress on the bankruptcy. She also attended the Chamber Board meeting; the Social Services Block grant meeting will be in Springerville at the Little Colorado Behavioral Health Center and attended a meeting on education with Rick Renzi.

The SHPO State Historic Preservation Office is having a mini workshop here on November 20th. Several items will be covered on the values of historic preservation

November 14th will be the ground breaking for Unit 3 at TEP

The Forest Service conducted a controlled burn today at which they encouraged questions on how and why they do controlled burns. The controlled burn will continue for the next couple of months.

Chamber of Commerce

Marnie Uhl reported that the Main Street Trick or Treat went very well with a lot of good feed back.

The Veterans Day parade will be Tuesday at 10:00am with an official flag disposal ceremony at the American Legion. Lunch will be served to the Veterans.

The Christmas Light parade will be held on Saturday December 6th. Applications are available with a \$10.00 entry fee that goes toward the awards.

They will be taking a "Welcome/Congratulations" picture of the new Manager of National Bank, Mark Baca on Monday morning at 9:30am.

On November 13th White Mountain Kachina Realty will be hosting beginning at 5:30pm

Ms. Uhl reported that the tours at Casa were up last month. That information as well at the calendar of events is on her written report to the Council.

Kestrel Aviation Quarterly Report

Jane reported that they finished painting the segmented circle which draws pilot's attention to the wind direction.

In September, the Town of Springerville with a grant from ADOT slurry sealed the taxiway for the main runway and both ramps. The numbers were repainted the number and stripes in the compass room. She reported that the Springerville Municipal Advisory Committee are currently writing the rules and regulations for the airport and continue to meet. The two members appointed by the council have been very positive.

Ms. Anderson reported that the Cherokee 140 is now insured and have an instructor. Tom Rabourn with 28,000 flight hours will begin giving lessons in December. The committee has discussed advertising at the school to bring in students for an Eagle flight. Laurice Margheim and Hank Holben are working on obtaining a CFI (Certified Flight Instructor) rating.

Town Manager report

Mr. Hassler reported that the Ramada is complete at Casa Malpais is completed and waiting on test results for the water and hope to have it back in a couple of days. Public works did a good job and it looks really good.

The people are here this week to put in the pump at the airport well. The pump was installed and water was being pumped today. Public works is in the process laying the line to the well. It will take approximately two or three weeks to get it hooked in.

The town audit should be coming in this week or first part of next week. He will be reviewing it and making any changes necessary and possibly hold a work session to review it with them.

There will be a Planning and Zoning Commission meeting next Thursday the 13th.

Parks, Recreation and Heritage meeting will be on the 25th and agendas will go out toward the end of next week.

Mr. Hassler asked Max and Sharon to work together to create a program for the fire fighters to go out and do home inspections and install smoke detectors. Sharon made some phone calls and got Pete Hunt at Woodland to donate 30 smoke detectors for our fire fighters to install and wanted to thank him tonight.

Mr. Hassler noted that we are in the process of redesigning the town website. He said it would be set up so that all Council and board minutes would be on the website. He would like their direction on whether the minutes should be posted before or after they have been officially approved. The Council consensus was that they should be approved minutes.

The town is in the process of finishing up a fall limb pick-up this week and plans to do it again in the spring.

Mr. Hassler advised the Council that the fire department would like to use the small yellow building next to the skateboard park for practice training on entry and ventilation then burn it down. The public works department will then remove the debris if the Council does not have a problem with doing this. This building does not have any historical significance.

Mr. Hassler also reported that he attended the Arizona Town Hall last week and brought back some good ideas.

5. Minutes

Consider approval of the minutes from the town council meeting held on October 15, 2003.
Motion by Scott Cray/Ramon Castillo to approve the minutes of October 15, 2003.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Ramon Castillo
		Scott Cray

6. Minutes

Consider approval of the minutes from the Town Council work session held on October 22, 03.

Motion by Mary Nedrow/Scott Cray to approve the minutes of the Town Council work session held on October 22, 2003.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Ramon Castillo
		Scott Cray

7. Proclamation:

Consider a request by NACOG declaring the month of November as Family Caregivers Month.
Motion by Mary Nedrow/Ramon Castillo to authorize the Mayor to sign the Proclamation declaring the month of November as Family Caregivers Month.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Ramon Castillo
		Scott Cray

8. Ordinance 2003-004:

Second reading of Ordinance 2003-004 regarding the prohibitive use of compression brakes in the town limits of Springerville. Read by Mayor Dyson.

“AN ORDINANCE OF THE TOWN OF SPRINGERVILLE, ARIZONA, TO PROHIBIT THE USE OF COMPRESSION BRAKES OR ENGINE BRAKES WITHIN THE TOWN LIMITS”

There were no questions or comments.

9. Ordinance 2003-004

Consider adopting Ordinance 2003-004 regarding the prohibitive use of compression brakes in the town Limits of Springerville.

Motion by Scott Cray/Mary Nedrow to authorize the Mayor to sign Ordinance 2003-004 the use of compression brakes in the town limits of Springerville.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Ramon Castillo
		Scott Cray

10. Court Revenue Certification:

Consider approving the municipal court collections for 2003-2004 as per State Law. Mr. Solomon's recommendation was to comply with the law per the memorandum of September 17th as it exists currently. He explained that Legislature had a special meeting and passed a new law that will put an end to the judicial collection revenue transfer. He stated that this issue will go away in June of next year showing the legislature acted in good faith to change the law. Mr. Solomon reiterated that it is their recommendation that the Council comply.

Mr. Hassler advised the Council that the first quarter court collections were lower than they were previously and therefore we do not owe anything at this time.

Ed Shields introduced himself and stated that although he worked for the town he was here tonight on a private capacity. He further stated that this was his opinion and not that of the town. He explained that he was voicing his opinion under the First Amendment of the US Constitution, Article II of the Arizona Constitution and Title 38 of the Arizona Revised Statutes which includes a clause on retaliation, Article III the legislature allowing that court fines is unconstitutional and believes that it is unconstitutional under Article IV, No. 19. (05) regulating the practice of Justice Courts and reading of fines, penalties and forfeitures. "This law endangers the Fifth Amendment of the US Constitution which guarantees people a fair and equitable trial and reasonable in a time frame and endangers the US Constitution eighth amendment dealing with excessive fines and feels that the court now has incentive to impose them". He and a number of people have taken an Oath to uphold the constitution of the State of Arizona. He again reiterated that this was his sole opinion.

Motion by Scott Cray/Ramon Castillo to table the court certification.

Vote:	Ayes:	Scott Cray Ramon Castillo
	Nays:	Kay Dyson Mary Nedrow

Motion failed:

NEW BUSINESS:

11. Water Adjudication Update:

Consider entering into executive session to discuss the water adjudication lawsuit with the Town's attorneys.

Motion by Mary Nedrow/Scott Cray to adjourn into executive session.

Vote:	Ayes:	Kay Dyson Mary Nedrow Ramon Castillo Scott Cray
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The meeting adjourned into executive session at 6:40 p.m.

Motion by Ramon Castillo/Mary Nedrow to reconvene the meeting. The meeting reconvened at 7:33pm

12. Council Member Appointment

Consider appointing a Springerville citizen to the vacant town council position. After a short discussion the following motion was made:

Mary Nedrow/Kay Dyson to appoint Mark Baca to the vacant town council position.

Vote:	Ayes:	Kay Dyson Mary Nedrow Ramon Castillo Scott Cray
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13. Resolution 2003-R017

Consider amending Resolution 2003-R016 to renumber it as 2003-R017.

A resolution of the mayor and council of the town of Springerville, Arizona, designating the election date and purpose of election; designating the deadline for voter registration; and designating the place and the last date for candidates to file nomination papers.

Motion by Scott Cray/Mary Nedrow to renumber resolution 2003-R016 regarding the 2004 elections to Resolution 2003-R017 to eliminate duplicate resolution numbers.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Ramon Castillo
		Scott Cray

14. Ordinance 2003-005

First read by Mayor Dyson of Ordinance 2003-005 regarding the raising of the transient lodging tax from 1% to 3%.

Mr. Hassler explained that the process of raising the lodging tax was one of the items discussed during the budget process. This lodging tax generates approximately \$12,000 a year and will raise it to about \$36,000 year. This is a tax that will be paid by those that stay in motels located in the town limits of Springerville. This tax also brings Springerville into line with Eagar. The idea is that this would pay for tourism and business promotions. This would pay for the Chamber of Commerce in relations to those promotions. This is a pass through tax that should not affect the rates of motels.

"An ordinance of the town of Springerville, Arizona, relating to the privilege license tax; amending the town tax code by increasing the tax rate on transient lodging; providing penalties for the violation thereof; providing for severability and designating an effective date".

Mr. Hassler advised the Council that the effective date of this tax would be February 1, 2004. The Council expressed concerns that the motel owners should be notified of this change.

15. Resolution 2003-006:

Consider authorizing the Mayor to sign resolution 2003-R018 making the "Uniform Policies, Guidelines, Regulations, and Restrictions with Respect to Communication Towers and Antennas in the Town of Springerville a public document".

Mr. Hassler explained that by making these policies and guidelines a public record by resolution and adopting an ordinance we will not have to publish in its entirety.

"A Resolution of the Town Council for the Town of Springerville, Arizona Declaring as a Public Record that Certain Document Filed with the Town Clerk and Entitled "Uniform Policies, Guidelines, Regulations, and Restrictions with Respect to Communication Towers and Antennas in the Town of Springerville."

Motion by Mary Nedrow/Ramon Castillo to authorize the Mayor to sign Resolution 2003-R018 declaring the Uniform Policies, Guidelines, Regulations, and Restrictions with Respect to Communication Towers and Antennas in the Town of Springerville a public document".

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Ramon Castillo
		Scott Cray

16. Ordinance 2003-006:

First reading by Mayor Dyson and discussion of Ordinance 2003-006 regarding the adoption of regulation relating to the placement of towers in the Town of Springerville.

"An ordinance of the Town of Springerville, Arizona, adopting the public document entitled "uniform policies, guidelines, regulations, and restrictions with respect to communication towers and antennas in

the Town of Springerville" by reference; establishing an effective date; proving for severability and providing penalties for violations.

17. Resolution 2003-R019

Consider a Resolution 2003-R019 supporting a fair and equitable health program for retirees of Arizona's Public Employee Retirement system.

Mayor Dyson explained that there is a real problem in the State of Arizona because of the lack of health care providers in rural areas for retired members of Arizona's Public Employee Retirement System. All of the cities and towns have been asked for a resolution of support. There is no cost associated with this resolution.

Motion by Mary Nedrow/Ramon Castillo authorizing the Mayor to sign Resolution 2003-R019 supporting a fair and equitable health program for retirees of Arizona's Public Retirement system.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Ramon Castillo
		Scott Cray

18. Water and Sewer Rates:

Mayor Dyson explained they are bringing forth a new schedule regarding water and sewer rates discussed during a special work session.

Councilman Cray asked if they should think about adding some type of adjudication fund.

Mr. Hassler advised the Council that we would have the public hearing at the next meeting and it could be changed if that was what they wanted to consider. He asked that they allow him to research back over the last two or three years and create a spread sheet.

Vice-Mayor Nedrow said she was concerned over the twenty five dollars for turn off and turn on. She explained she has a friend that had a big water break and the damage to her home from the water was enormous. She now feels that the new fee is too high for emergencies.

Edde Castillo complained that she called city hall and asked for a water turn off because she does not have a shut off valve and it took over two hours for them to respond.

Councilman Castillo agreed with Vice-Mayor Nedrow. He also said he called and no one responded after he called public works. He also noted that he has talked to several people about the water rates and has been told that people understand that they need to go up but they would like to have good drinking water.

Mr. Hassler apologized for no one responding, but asked that they call him. If he does not know he cannot do anything about it. It advised him that it should only take fifteen or twenty minutes for someone to respond.

He advised the Council that any new services would be encouraged to install a shut off valve on their side of the meter.

Vice-Mayor Nedrow reiterated her concern for those people who cannot afford to pay these kinds of fees and feels that they will get nailed if they have some type of emergency between the huge water bill and the turn off and the turn on fees as well as any plumbing fees.

Ms. Castillo then asked about the lagoon system and why it was not operating yet?

Mr. Hassler addressed the issue of the lagoon system. This will require some money to redo our A.P.P. permit. There would be a savings of fifty to sixty thousand dollars if they mothball the plant. The bonds will not be paid off for another five years. He asked for consensus on providing information on attorney fees for the adjudication. They agreed.

19. Executive Session:

Discuss possible modification of the Town Manager contract.

Motion by Mary Nedrow/Ramon Castillo to adjourn into executive session to discuss the possible modification of the Town Manager contract.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Ramon Castillo
		Scott Cray

The meeting adjourned into executive session at 8:12pm

Motion by Ramon Castillo/Mary Nedrow to reconvene the meeting at 8:58pm

Mayor Dyson announced that no modifications would be taken on the contract with the Manager until they do an evaluation.

Motion by Mary Nedrow/Ramon Castillo to adjourn the meeting at 9:00pm

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Ramon Castillo
		Scott Cray

Kay Dyson, Mayor

ATTEST:

Town Clerk

I hereby certify that the foregoing is a true and correct copy of the minutes of the Springerville Town Council in regular session on Wednesday November 5, 2003. I further certify that the meeting was duly called and a quorum was present.

Dated this 7th day of November, 2003

Town Clerk